

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

GARY GRAHAM,

Defendants.

4:22CR3073

ORDER

During the evidentiary hearing on Defendant's motions to suppress, defense counsel advised the court that Defendant has asked counsel to file two additional pretrial motions: 1) a motion to dismiss the charge because Defendant was not a "prohibited person" at the time of the alleged crime, and 2) a motion challenging the application of a 21 U.S.C. § 851 sentencing enhancement. Upon consideration of counsel's arguments, and court finds the pretrial motion deadline should be re-opened and/or extended to allow Defendant to raise these additional motions.

Accordingly,

IT IS ORDERED:

- 1) On or before October 13, 2023, Defendant shall file his anticipated motion to dismiss the indictment, his motion challenging a sentencing enhancement under 21 U.S.C. § 851, and his post-hearing brief on his motions to suppress.
- 2) The ends of justice served by granting Defendant's motion to file additional pretrial motions outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and October 13, 2023 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although

counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 7th day of September, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge